

**Notice of Allowability****Application No.**

10/595,331

**Applicant(s)**

WAKAYAMA, TAKAHIRO

**Examiner**

John P. Zimmermann

**Art Unit**

2861

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 12 June 2008 & Telephone Interview 25 August 2008.
2. ☒ The allowed claim(s) is/are 1-7.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date Attached.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 12 JUN 08
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 25 AUG 08
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

/LUU MATTHEW/  
Supervisory Patent Examiner, Art Unit 2861

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement (IDS) submitted on 12 June 2008 was filed after the mailing date of the First Office Action on 12 December 2007 in an effort to correct a previous clerical error. The submission is in compliance with the provisions of 37 CFR 1.97.

Accordingly, the information disclosure statement has been considered by the examiner and entered into the record as such.

### *Examiner's Amendment*

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Applicant's Representative, Christa Hildebrand on 25 August 2008.

The application has been amended as follows:

- a. **Claim 1**, has been amended by changing "the sheet-entry" to "a sheet-entry" in the third to last line of the previously amended claim. The last three lines of **claim 1** now read:

residual ink liquid, wherein the shape retaining means is provided by ~~the~~ a sheet-entry preventing member formed in the shape of an orifice pore and the direction of the orifice pore is arranged away from the ink supply opening.

An additional amendment, to the drawings, follows.

### ***Drawings***

3. The drawings were objected to as failing to comply with 37 CFR 1.84(p)(4), the amended drawing replacing Figure 5 is approved as amended.
4. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: Figure 1 is amended to remove reference character 4a. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

### **INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

#### **Replacement Drawing Sheets**

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

#### **Annotated Drawing Sheets**

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be

clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

### **Timing of Corrections**

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

### ***Additional Prior Art of Record***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Moynihan (US 5,724,082 A) teaches a ink container orifice filter located below the communication end of the ink supply opening. Herman (US 2004/0237343 A10 teaches a material made up of a plurality of orifices or pores that exudates air and moisture while being vapor pervious, a similar structure in a somewhat related field of porous materials without the detailed reference to the defined term orifice pore.

### ***Claim Rejections - 35 USC § 112***

6. **Claim 1** was originally rejected as being indefinite by use of the term "bag-like". The amended **claim 1** addresses and corrects the issue, and the rejection is hereby withdrawn.

### ***Allowable Subject Matter***

7. **Claim 1** is allowed as amended, while **claims 2-7** are allowed as amended, dependent on **claim 1**.

8. The following is an examiner's statement of reasons for allowance:

b. As related to amended independent **claim 1** as well as amended dependent **claims 2-7**, an additional search was conducted based on the amendments to the claim and the existing and additional prior art of record fails to teach or fairly suggest an ink container comprising all of the specific limitations as recited, in combination with and particularly including a bag-shaped ink container body and an ink supply opening having a first and a second end... the bag-shaped ink container body is provided with... shape retaining means is provided by a sheet-entry preventing member formed in the shape of an orifice pore and the direction of the orifice pore is arranged away from the ink supply opening.

9. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Zimmermann whose telephone number is (571)270-3049. The examiner can normally be reached on Monday - Thursday, 7:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Luu can be reached on 571-272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LUU MATTHEW/  
Supervisory Patent Examiner, Art Unit 2861

  
JPZ